

**Remarks**

The Office Action mailed April 6, 2006, and made final, has been carefully reviewed and the foregoing amendments and the following remarks have been made in consequence thereof.

Claims 1-44 are now pending in this application. Claims 1-44 stand rejected. Claims 1, 12, 13, 28, 31, and 36 have been amended herein. No new matter has been added.

The rejection of Claims 1-16 and 28-32 under 35 U.S.C. § 102(e) as being anticipated by Curtis (U.S. Patent No. 6,668,279) is respectfully traversed.

Curtis describes a system in which an in-kernel data transport module is implemented. The system further includes multiple clients (100, 102) that may send HTTP requests to a web server (202) (column 4, lines 41-43). Within the web server, an in-kernel cache (204) is managed by a data transport module (206) having an associated protocol stack (208) (column 4, lines 43-45). The data transport module routes HTTP requests or portions thereof to a HTTP daemon (210) via an upcall door (212) (column 4, lines 45-48).

Claim 1 recites a web-enabled automation control module (ACM) comprising “an ACM central processing unit (CPU)...a web and file transfer system electrically connected to said ACM CPU, said system embedded within said ACM and configured to process hypertext transfer protocol (HTTP) requests from a network...and wherein said ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product.”

Curtis does not describe or suggest a web-enabled automation control module as recited in Claim 1. For example, Curtis does not describe or suggest an ACM including a web and file transfer system embedded within the ACM, wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Curtis describes a web server that may be implemented on a computer system. However, Curtis does not describe nor suggest that the web server is embedded within an ACM that is one of a PLC, a CNC, and a motion control product. Accordingly, for at least the reason set forth above, Claim 1 is submitted to be patentable over Curtis.

Claims 2-12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2-12 likewise are patentable over Curtis.

Claim 13 recites an automation control module (ACM) system comprising “an ACM comprising one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product...a network...a web-enabled computer electrically connected to said network...and a web and file transfer subsystem electrically connected to said ACM and said network, said subsystem configured to store at least one user-defined web page file.”

Curtis does not describe or suggest an automation control module system as recited in Claim 13. For example, Curtis does not describe or suggest an ACM system including an ACM including one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Curtis describes a web server that may be implemented on a computer system. However, Curtis does not describe nor suggest an ACM including one of a PLC, a CNC, and a motion control product. Accordingly, for at least the reason set forth above, Claim 13 is submitted to be patentable over Curtis.

Claims 14-16 depend, directly or indirectly, from independent Claim 13. When the recitations of Claims 14-16 are considered in combination with the recitations of Claim 13, Applicants submit that Claims 14-16 likewise are patentable over Curtis.

Claim 28 recites a method for management and control of an automation control module (ACM) including an ACM central processing unit (CPU), wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product, and wherein the method comprises “embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU...electrically connecting the web and file transfer system to a network...and processing hypertext transfer protocol (HTTP) requests from the network using the web and file transfer system.”

Curtis does not describe or suggest a method for management and control of an automation control module as recited in Claim 28. For example, as discussed above with respect

to Claim 1, Curtis does not describe or suggest embedding a web and file transfer system within an ACM, wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Accordingly, for at least the reason set forth above, Claim 28 is submitted to be patentable over Curtis.

Claims 29-32 depend, directly or indirectly, from independent Claim 28. When the recitations of Claims 29-32 are considered in combination with the recitations of Claim 28, Applicants submit that Claims 29-32 likewise are patentable over Curtis.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-16 and 28-32 be withdrawn.

The rejection of Claims 13-27 and 33-44 under 35 U.S.C. § 103(a) as being unpatentable over Curtis in view of Petterson (U.S. Patent 6,826,594) is respectfully traversed.

Curtis is described above.

Petterson describes a system including a client computer (10). The client computer can be any standard personal computer (PC) which includes a central processing unit (CPU) (12) connected to both a storage memory (14) and a random access memory (RAM) (16). The system further includes a host web server (22). The host web server may be of any conventional server design, and may include, for example, a central processing unit (CPU) (26), a network connection device (24), and both storage memory (30) and random access memory (RAM) (28).

Claim 13 is recited above. Neither Curtis nor Petterson, considered alone or in combination, describe or suggest an automation control module system as recited in Claim 13. For example, as discussed above, Curtis does not describe nor suggest an ACM system including an ACM including one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Petterson does not make up for the deficiencies of Curtis. Because Curtis and Petterson each individually fail to describe or suggest one or more elements of Claim 13, it follows that a combination of Curtis and Petterson cannot describe or suggest such element(s). Accordingly, for at least the reason set forth above, Claim 13 is submitted to be patentable over Curtis in view of Petterson.

Claims 14-27 depend, directly or indirectly, from independent Claim 13. When the recitations of Claims 14-27 are considered in combination with the recitations of Claim 13, Applicants submit that Claims 14-27 likewise are patentable over Curtis in view of Petterson.

Claims 33-35 depend indirectly from independent Claim 28, which is recited above. Neither Curtis nor Petterson, considered alone or in combination, describe or suggest a method for management and control of an automation control module as recited in Claim 28. For example, as discussed above, Curtis does not describe or suggest embedding a web and file transfer system within an ACM, wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Petterson does not make up for the deficiencies of Curtis. Because Curtis and Petterson each individually fail to describe or suggest one or more elements of Claim 28, it follows that a combination of Curtis and Petterson cannot describe or suggest such element(s). Accordingly, for at least the reason set forth above, Claim 28 is submitted to be patentable over Curtis in view of Petterson.

Claims 33-35 depend indirectly from independent Claim 28. When the recitations of Claims 33-35 are considered in combination with the recitations of Claim 28, Applicants submit that Claims 33-35 likewise are patentable over Curtis in view of Petterson.

Claim 36 recites a method for management and control of an automation control module (ACM) using an ACM system, the ACM system including an ACM, a network, and a web-enabled computer electrically connected to the ACM, wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product, and wherein the method comprises “embedding a web and file transfer subsystem within the ACM including electrically connecting the web and file transfer subsystem to the ACM and the network...and storing at least one user-defined web page file.”

Neither Curtis nor Petterson, considered alone or in combination, describe or suggest a method for management and control of an automation control module as recited in Claim 36. For example, as discussed above with respect to Claim 28, Curtis does not describe or suggest embedding a web and file transfer subsystem within an ACM, wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Petterson does not make up for the deficiencies of Curtis. Because Curtis and Petterson

each individually fail to describe or suggest one or more elements of Claim 36, it follows that a combination of Curtis and Petterson cannot describe or suggest such element(s). Accordingly, for at least the reason set forth above, Claim 36 is submitted to be patentable over Curtis in view of Petterson.

Claims 37-44 depend, directly or indirectly, from independent Claim 36. When the recitations of Claims 37-44 are considered in combination with the recitations of Claim 36, Applicants submit that Claims 37-44 likewise are patentable over Curtis in view of Petterson.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 13-27 and 33-44 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 13-27 and 33-44 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Curtis nor Petterson, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Curtis with Petterson because there is no motivation to combine the references suggested in the cited art itself.

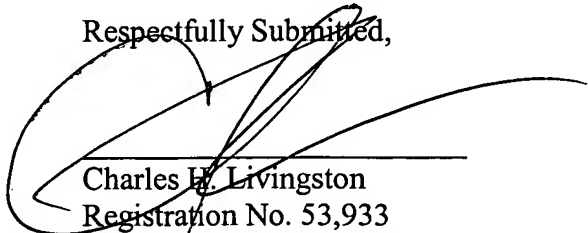
As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose

among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Curtis teaches a web server that may receive HTTP requests from a plurality of clients. Within the web server, an in-kernel cache is managed by a data transport module having an associated protocol stack. The data transport module routes HTTP requests or portions thereof to a HTTP daemon. Petterson teaches a host web server. The host web server may include a central processing unit, a network connection device, a storage memory, and a random access memory. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 13-27 and 33-44 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Charles H. Livingston  
Registration No. 53,933  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070